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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,554	07/27/2001	Tae-jin Lee	Q63310	7393

7590 11/28/2006
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/915,554	Applicant(s) LEE ET AL.	
	Examiner JOHN J. LEE	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 15 and 16.

Claim(s) objected to: 20 and 26-29.

Claim(s) rejected: 1-5,7-9,11-14,19,21-25 and 301.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

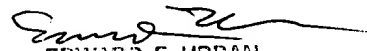
13. ☒ Other: See Continuation Sheet.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant's arguments received on 10/27/2006 have been carefully considered but they are not persuasive because the combined teaching of all the cited references as set forth in the previous final rejection reads on all the claims.

In this case, for example, The Applicant argues that the combination of Vook (US 5,583,866) and Omi (US 6,940,831) do not teach the claimed limitation "a transceiving unit receives a requested priority from a slave device, a controller determines a priority of the slave device considering the requested priority, the controller determines a frequency of communication according to the priority of the slave device, and a memory stores the frequency of communication of the device". However, Vook teaches master device transmits communicates to slave devices, and the slave devices transmit a priority request (the device transmits the acknowledge that will also have priority over the other devices to perform an initial transmission and the priority value assigned to a slave device may vary depending upon device status that means the master device (controller) has to determine a priority of the devices and considering and transmitting for assigning the priority) to slave devices (see Fig. 7, 10 and column 15, lines 1-column 16, lines 36) and determines to transmit a frequency (selected frequency) based on transmitting priority of slave device (see Fig. 5 and column 12, lines 16-column 13, lines 18), Furthermore, Omi teaches a master station has a scheduler for determining and scheduling the optimizing the transmission band to be assigned dynamically according to the communication type of the data (the slave stations request the priority to transmit, and master station, scheduler, determines and schedules the communication priority (calculating a priority value for each request and selecting the communication link (communication frequency) by scheduling) for each slave station according to the request) and a state of data transmission to each slave station (see abstract, Fig. 1, 8, and column 3, lines 4 - column 4, lines 62), and also the memory in master station stores the communication data and links of each slave station (column 8, lines 19 - column 9, lines 3, Fig. 4, 17, and column 15, lines 31 - column 16, lines 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Vook as taught by Omi, provide the motivation to enhance the scheduling and controlling frequency allocation based on priority in wireless communication system. .

Continuation of 13. Other:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Lee whose telephone number is (571) 272-7880..


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